

REMARKS

In the Official Action mailed on **27 December 2007**, the Examiner reviewed claims 1-33. Examiner rejected claims 1, 7-8, 10, 17-21, 26-29, 30-31, and 33 under 35 U.S.C. § 102(b) based on Fado et al. (U.S. Pat. No. 5,943,649, hereinafter “Fado”). Examiner rejected claims 2-4 under 35 U.S.C. § 103(a) based on Fado, and Levine (U.S. Pat. No. 6,356,084, hereinafter “Levine”). Examiner rejected claim 5 under 35 U.S.C. § 103(a) based on Fado, and Arndt et al. (U.S. Pat. No. 6,421,448, hereinafter “Arndt”). Examiner rejected claim 6 under 35 U.S.C. § 103(a) based on Fado, and Papadopoulos et al. (U.S. Pat. No. 6,128,384, hereinafter “Papadopoulos”). Examiner rejected claims 9 and 22 under 35 U.S.C. § 103(a) based on Fado, and Chiu et al. (U.S. Pat. No. 6,882,577, hereinafter “Chiu”). Examiner rejected claims 11-12, 23-25, and 32 under 35 U.S.C. § 103(a) based on Fado and applicants admitted prior art (hereinafter AAPA). Examiner rejected claim 13 under 35 U.S.C. § 103(a) based on Fado, AAPA, and Levine. Examiner rejected claims 14-16 under 35 U.S.C. § 103(a) based on Fado, AAPA, and Southworth et al. (USPN 3,950,607, hereinafter “Southworth”).

Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Independent claims 1, 10, 19, and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by Fado. Independent claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fado as applied to claim 10 in view of Applicant’s Admitted Prior Art (AAPA). Applicant respectfully points out that Fado does not disclose any of the limitations recited in independent claims 1, 10, 19, 23, or 26. Applicant addresses Examiner’s rejections below.

Examiner cites the Abstract of Fado avering that Fado discloses being able to determine after the microphone is connected to the sound card if the microphone is an electrets type (see page 2, point 3 in the Office Action letter mailed on December 27, 2007). Applicant respectfully points out that the Abstract of Fado specifically states: “(b) displaying a at least one graphical user interface (GUI) **prompting a user selection and connection of a microphone** as an audio input device to the at least one sound card.” It is clear that **the user is the person selecting the microphone from the GUI**. In fact, this is clearly illustrated in FIG. 4 of Fado and described in column 7, lines 33-37.

Applicant maintains the arguments presented in the response to the previous Office Action letter dated July 3, 2007. These arguments are repeated below.

Examiner avers that Fado element 10 in FIG. 48 and FIG. 1 discloses “*a circuit within the microphone, connected to at least one electrical contact*” (see page 2 of the Office Action letter dated July 3, 2007). Applicant respectfully points out that element 10 in FIG. 48 is a process (i.e., a program) which is stored in RAM 5 and executed within processor 3 within computer system 1 (see Fado FIG. 48 and column 15, lines 43-67). However, microphone 27 is separate and distinct from computer system 1 and is coupled to computer system 1 through audio interface 29 (see FIG. 48 and column 15, lines 43-52). There is nothing in FIG. 48 which suggests that microphone 27 includes a **circuit within the microphone**, connected to at least one electrical contact. At most, Fado discloses a circuit (e.g., element 3, 5, 21, etc.) which is external to the microphone as illustrated in FIG. 48.

Examiner also avers that Fado steps 16 and 48 in FIG. 1 disclose a microphone “*that provides the external device with data about the microphone*” (see page 2 of the Office Action letter dated July 3, 2007). Applicant respectfully points out that in step 16 of FIG. 1, GUI 100 presents a list of possible

microphones to a user and **the user selects one of the microphones** from the list (see Fado, column 7, lines 33-37). Since computer system 1 executes the process described in FIG. 1 (see Fado FIG. 48 and column 15, lines 43-67), the list of microphones is provided to the user by computer system 1 and *not by the microphone*. Hence, Fado only discloses a computer system which provides a list of microphones for a user to choose from, but **does not disclose a microphone which provides the external device with data about the microphone**.

Hence, Applicant respectfully submits that independent claims 1, 10, 19, 23, and 26 are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, claims 20-22, which depend upon claim 19, claim 24-25, which depend upon claim 23, and claims 27-33 which depend upon claim 26, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By /Gilbert Wong/
Gilbert Wong
Registration No. 57,990

Date: 27 February 2008

Gilbert Wong
Park, Vaughan & Fleming LLP
2820 Fifth Street
Davis, CA 95618-7759
Tel: (530) 204-4040
Fax: (530) 759-1665
Email: gilbert@parklegal.com